

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jami Siraj Choudhury,

Civil No. 06-241 (DWF/JSM)

Petitioner,

v.

ORDER

R.L. Morrison, Warden; Duluth Federal Prison Camp; and The Federal Bureau of Prisons,

Respondent.

Jami Siraj Choudhury, *Pro Se*, Petitioner.

Christian S. Wilton, Assistant United States, United States Attorney's Office, counsel for Respondents.

This matter is before the Court upon Respondent's objections to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated March 2, 2006, recommending that the Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be granted and that Respondent be directed to immediately reconsider the date when Petitioner should be assigned to a CCC in light of the criteria set forth in 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20 and .21.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The Court has also reviewed other rulings in this District, including *Hayek*

v. Caraway, Civ. No. 05-1424 (PAM/JSM) (D. Minn. Dec. 7, 2005); *see also Young v. Caraway*, Civ. No. 05-1476 (JNE/JJG) (D. Minn. Mar. 7, 2006); *Stonecipher v. Caraway*, Civ. No. 05-2161 (JRT/JSM) (D. Minn. Jan. 20, 2006); *Ragsdale v. Caraway*, Civ. No. 05-1596 (MJD/JJG) (D. Minn. Jan. 6, 2006). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Respondent's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Respondent Warden R. L. Morrison's objections (Doc. No. 11) to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated March 2, 2006, are **DENIED**.

2. Magistrate Judge Janie S. Mayeron's Report and Recommendation dated March 2, 2006 (Doc. No. 10), is **ADOPTED**.

3. The Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, (Doc. No. 1), is **GRANTED**, and Respondent is directed to immediately reconsider the date when Petitioner should be assigned to a CCC in light of the criteria set forth in 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20 and .21. Respondent's decision shall be filed with the Court within twenty-one (21) days of the filing of that Order.

Dated: March 24, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court